

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF VIRGINIA**  
**Alexandria Division**

ALI ABDALLA HAMZA <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No.: 1:20-cv-01038 LMB-JFA
	)	
KHALIFA HIFTER,	)	
	)	
Defendant.	)	
	)	

---

**PLAINTIFFS’ SECOND MOTION FOR RECONSIDERATION OF ORDER DATED  
NOVEMBER 4, 2021 (DKT. #91) IN CONSOLIDATED CASES AND LIFTING OF STAY**

Plaintiffs Ali Abdalla Hamza, Nehma Abdalla Al-Mahdi Hamza, Abdelhalim Abdalla Mahfi Hamza, and Salimah Abudullah Abraheem Jibreel (“Plaintiffs”) respectfully submit this Second Motion for Reconsideration of this Court’s Order dated November 4, 2021 (Dkt. #91) and Lifting of Stay (the “Order”). In that Order, the Court stayed the three civil actions which had been consolidated for discovery purposes against Defendant Khalifa Hifter “until Libya’s upcoming election has concluded.” (Dkt. #91 at 3). The Plaintiffs’ initial Motion for Reconsideration (Dkt. #93) was denied on December 3, 2021 (Dkt. #99). Since that time, however, significant factual developments have occurred in Libya that justify a fresh look at this Court’s Stay.

By Notice of Factual Update (Dkt. #101), filed on January 13, 2022, the Plaintiffs informed the Court of Libya’s failure to hold its scheduled elections that had been set for December 24, 2021. UN officials had optimistically hoped the elections would happen by June 2022. *UN Official: Important to have Libyan elections by June, CNN, January 11, 2022.*<sup>1</sup> Notably, part of

---

<sup>1</sup> <https://www.cnn.com/videos/tv/2022/01/11/amanpour-libya-stephanie-turco-williams.cnn>.

the reason for the election discord surrounds the candidacy of the Defendant. *How Libya's Fragile Unity Is Being Tested by Election, Washington Post/Bloomberg, January 12, 2022.*<sup>2</sup>

But it is now clear that the Libyan elections will not happen during 2022, and there is no indication as to when they might ever take place. On February 7, 2022, Libya's Parliament announced there will not be any elections in 2022. *Libyan parliament interviews PM candidates, says no elections soon, Daily Sabah, February 7, 2022.*<sup>3</sup> In fact, National elections are likely to not take place for well more than a year from now. *Libyan parliament says no elections this year, moves to choose new PM, Reuters, February 7, 2022.*<sup>4</sup> Indeed, the selection of a new Prime Minister on February 10, 2022, over the objections of the current Prime Minister, is said to have "hurtled [Libya] deeper into political chaos". *Libya Slides Deeper Into Chaos as Parliament Picks New Government, New York Times, February 10, 2022.*<sup>5</sup> There is absolutely no end in sight as "the country is at risk of plunging back into war and dueling governments." *Id.* Indeed, there has already been an assassination attempt on the Prime Minister's life. *Libyan PM survives assassination attempt, source close to him says, CNN, February 10, 2022.*<sup>6</sup>

Much of the internal dispute, according to all credible news reports, continues to involve the Defendant, but the tragic and unfortunate political disarray of Libya should not be permitted to hold this U.S. litigation hostage based on external events. If stability in Libya's election is the

---

<sup>2</sup> [https://www.washingtonpost.com/business/energy/how-libyas-fragile-unity-is-being-tested-by-election/2022/01/12/7b19df00-738e-11ec-a26d-1c21c16b1c93\\_story.html](https://www.washingtonpost.com/business/energy/how-libyas-fragile-unity-is-being-tested-by-election/2022/01/12/7b19df00-738e-11ec-a26d-1c21c16b1c93_story.html).

<sup>3</sup> <https://www.dailysabah.com/world/africa/libyan-parliament-interviews-pm-candidates-says-no-elections-soon>.

<sup>4</sup> <https://www.reuters.com/world/africa/libyan-parliament-says-no-elections-this-year-moves-choose-new-pm-2022-02-07/>.

<sup>5</sup> <https://www.nytimes.com/2022/02/10/world/middleeast/libya-tripoli-parliament-election.html>.

<sup>6</sup> <https://www.cnn.com/2022/02/10/africa/libya-assassination-attempt-intl/index.html>.

Court's well-meaning objective, then respectfully this lawsuit will never be permitted to resume. As the ancient legal maxim states, Justice delayed is justice denied.

As noted in the Plaintiffs' original Motion (Dkt. #93), this lawsuit was brought to pursue accountability and justice, and they had nothing to do with, nor had knowledge of, the events that led to the Court's Stay. The Plaintiffs respectfully request this Court to lift the Stay and allow discovery to proceed.<sup>7</sup>

Dated: February 16, 2022

Respectfully Submitted,

By: /s/ Thomas M. Craig

Thomas M. Craig, Esq., VSB #68063

Jessica D. Rabinowitz, Esq.

*Admitted Pro Hac Vice*

FH+H

1751 Pinnacle Drive

Suite 1000

McLean, Virginia 22102

(703) 590-1234

(703) 590-0366 fax

tcraig@fhhfirm.com

/s/ Mark S. Zaid

Mark S. Zaid, Esq.

*Admitted Pro Hac Vice*

D.C. Bar #440532

Mark S. Zaid, P.C.

1250 Connecticut Avenue, N.W.

Suite 700

Washington, D.C. 20036

(202) 454-2809

(202) 330-5610 fax

Mark@MarkZaid.com

---

<sup>7</sup> Additionally, the Plaintiffs wish for this Court to know that notwithstanding promises by the Defendant and his U.S. counsel dating back to September 2021, to reimburse the fees incurred for his intentional failure not to appear at two properly scheduled depositions, an issue that was discussed multiple times in open Court, no payments have been received.

/s/ Matthew Jury  
Matthew Jury, Esq.  
*Admitted Pro Hac Vice*  
NYS Bar # 706563  
84 Brook Street  
London W1K 5EH  
+44 (0) 20 7096-3767  
Matthew.Jury@mccue-law.com

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of February, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification and copy of such filing to counsel of record for all Parties.

/s/ Thomas M. Craig  
Thomas M. Craig, VSB No. 68063

*Counsel for Plaintiffs*